

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JAMES EDWARD SCOTT, III,

Plaintiff,

v.

HERZOG, *et al.*,

Defendants.

Case No. 3:22-CV-00564-ART-CLB

ORDER RE: SERVICE OF PROCESS

[ECF No. 38]

Before the Court is Plaintiff James Edward Scott's motion to make new arrangements of service with the U.S. Marshals regarding unserved defendants. (ECF No. 38.) Specifically, Plaintiff asks that alternative forms of service be attempted for Defendants William Miller and Cynthia Purkey. (*Id.*)

First, after the motion was filed, the Office of the Attorney General ("OAG") filed a notice of acceptance of service on behalf of Cynthia Purkey. (ECF No. 40.) Thus, the motion is denied as moot with respect to Defendant Purkey.

Next, with respect to Defendant William Miller, the OAG did not accept service of process on behalf of William Miller but did file his last known address under seal. (ECF Nos. 28, 29.) However, the last known address provided by the OAG is a post office box. (ECF No. 28.) In the Court's order regarding service, (ECF No. 23), the Court ordered that if the last known address of a defendant is a post office box, the OAG "will attempt to obtain and provide the last known physical address[]." (*Id.* at 2 (emphasis added).) It does not appear that the OAG has attempted to locate the physical address for Defendant William Miller. Thus, the motion is granted, in part, with respect to Defendant Miller.

Accordingly, **IT IS ORDERED** that within **14 days** of the date of entry of this order, the OAG shall file notice advising the Court and Plaintiff whether it can locate a physical address for Defendant Miller and if so, shall file such address under seal. If the OAG is unable to locate a physical address for Defendant Miller, Plaintiff shall provide the full name and address for Defendant William Miller.

1 Plaintiff is reminded that if Defendant Miller is not served by May 28, 2024,¹ he will
2 be dismissed for failure to complete service of process pursuant to Fed. R. Civ. P. 4(m).

3 Consistent with the above, **IT IS ORDERED** that Plaintiff's motion regarding
4 service, (ECF No. 38), is **GRANTED, in part**, and **DENIED as moot, in part**.

5 **DATED:** May 3, 2024

6 
7 _____
8 **UNITED STATES MAGISTRATE JUDGE**

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 ¹ This date represents 90 days from the date of the order directing that this case
28 proceed onto the normal litigation track following mediation (ECF No. 23). See Fed. R.
Civ. P. 4(m) (requiring service on defendants within 90 days after a complaint is filed).